IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 34448 of 2007(A)

PETITIONER:

PRASANNA KUMAR.D., P.C.T.1883,
A.A.COPY, ARMED FORCE, THIRUVANANTHAPURAM
CITY, THIRUVANANTHAPURAM.

BY ADV. SRI.S.JAYAKRISHNAN.

RESPONDENTS:
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1. **ADDITIONAL CHIEF SECRETARY TO GOVT.,**
   HOME & VIGILANCE DEPARTMENT, GOVERNMENT
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE PRINCIPAL SECRETARY TO GOVT.,**
   FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

3. **THE SECRETARY TO GOVERNMENT,**
   HEALTH & FAMILY WELFARE DEPARTMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

4. **THE DIRECTOR GENERAL OF POLICE,**
   KERALA POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. MANJOJ KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)No.34448 of 2007

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Dated this the 10th day of December 2007

JUDGMENT

The facts detailed in the writ petition reveal the agony suffered by a father for treating his 4 year old child, who unfortunately was born with profound sensorineural hearing problem. It seems that a cochlear implant surgery was advised to be done as a treatment for the infant. This proved to be a very expensive surgical intervention. The petitioner sought for a facility from the government and was granted an amount of Rs.6 lakhs as an interest free medical advance. Subsequently the petitioner availed the loan and repayment is being effected now by attaching an amount of Rs.4,000/= from his monthly salary. The petitioner is a police constable and he submits that he is hard pressed to make both ends meet with his take home pay, that is as low, as Rs.2,192/= per month. The petitioner approached the government for re-imbursement of the medical expenses. Ext.P9 is the communication from the government to the DGP requiring the latter to take action for recovery in terms of Ext.P3. It is in these circumstances, the petitioner has approached this court.

2. I have heard the learned Senior Government Pleader Mr.Manoj Kumar also. In my view, the petitioner's request for

eligible medical re-imbursement requires serious and sympathetic consideration at the hands of the government. Ext.P9, which is only a communication from the Additional Chief Secretary to Government, does not reflect the reasons which might have persuaded the government to decline the request for medical re-imbursement. It cannot be said that the authority has no power to make an order of reimbursement of at least a substantial portion of the medical expenses. In the facts and circumstances of the case, the government may take a decision on this aspect bestowing its sympathetic consideration.

3. In the result, the writ petition is disposed of directing the first respondent to take note of the petitioner's request for medical re-imbursement in terms of the rules governing re-imbursement of medical expenses and take a decision thereon in the light of the observations made above, within a period of two months from the date of receipt of a copy of this judgment, after notice to the petitioner. To enable the government to do so, the petitioner may file a representation indicating these aspects before the first respondent within three weeks from today.

V.GIRI, JUDGE

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